IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 15968 of 2007(A)

PETITIONER:

RAMACHANDRAN.E., H.S.A.(ENGLISH),
GOVERNMENT DEVADHAR HIGHER SECONDARY SCHOOL,
TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE.

3. THE HEADMASTER, GOVERNMENT DEVADHAR
HIGHER SECONDARY SCHOOL, TANUR,
MALAPPURAM DISTRICT.

4. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/06/2007, ALONG WITH WPC NO. 15770 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)Nos.15968 & 15770 OF 2007

Dated this the 20th day of June, 2007

JUDGMENT

Since a common issue arises for consideration in these two writ petitions, they are being disposed of through this common judgment.

2. Petitioners had joined service as PD teachers in Malappuram district in the year 1998 and 2001 respectively. However, both of them were promoted as HSA in the year 2004. They are continuing in Malappuram district. Admittedly, petitioners have not completed 3 years' service as HSA in Malappuram district. It was citing that reason that the applications submitted by the petitioners for inter district transfer to Kozhikode and Thrissur respectively was refused to be entertained by the Deputy Director of Education, Malappuram. He refused to forward the applications to his counterparts in Kozhikode and Thrissur taking the view that such a request for inter district can be considered only when the incumbent completed a total period of 5 years service in the category of HSA in the district concerned. Learned counsel

invites my attention to a judgment of this court rendered in Writ Petition No.22605/05. He submits that the issue is squarely covered in favour of the petitioners. This court had held that circular dated April 18, 2005 would not override the provisions contained in the Government Order G.O.(P) No.12/04/P&ARD dated 10th September 2004.

3. Anyhow, I do not propose to deal with the various contentions raised by the petitioners in view of the limited prayer made by the learned counsel at the Bar. He submits that petitioners will be satisfied, if a direction is issued to the Deputy Director of Education, Malappuram to receive the respective applications from the petitioners and forward them to his counterpart at Kozhikode and Thrissur respectively. He further prays that the Deputy Directors concerned at Kozhikode and Thrissur may also be directed to take a decision in the matter in accordance with rules and other orders governing the issue and also keeping in view the judgment referred to above. Ordered accordingly.

In the above facts and circumstances, writ petition is disposed of in the above terms. It is made clear that I have not gone into the merit of the contentions raised by the petitioners. It will be open to the Deputy Director of Education, Kozhikode and Thrissur to take a decision in the matter strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Needless to mention that the officers concerned shall ensure that the petitioners are afforded sufficient opportunity to be heard before any decision is taken in the matter. Respondent no.1 shall ensure that the applications are accepted from the petitioners and forwarded to the officers concerned within two weeks from the date of receipt thereof.

A.K.BASHEER, JUDGE

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